

1 (counsel of record on following page)

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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA- SACRAMENTO DIVISION

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EFREN LINARES, individually, and on
behalf of all others similarly situated, and on
behalf of the State of California and
aggrieved employees pursuant to the Private
Attorneys General Act,

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Plaintiff,

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vs.

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ABM INDUSTRY GROUPS, LLC.,
FLOWERS BAKING CO. OF MODESTO,
LLC., and DOES 1 through 50, inclusive;

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Defendants.

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Case No.: 1:22-cv-00816-TLN-CKD

CLASS ACTION

**JOINT STIPULATION TO ADJUST
SCHEDULING ORDER**

*Before the Honorable Troy L. Nunley and Carolyn
K. Delaney*

Complaint filed: July 1, 2022

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25 ABM INDUSTRY GROUPS, LLC.

26 AND FLOWERS BAKING CO.

27 OF MODESTO, LLC

28

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OAKLAND, CALIFORNIA 94612-3547

JOINT STIPULATION

1 Plaintiff EFREN LINARES and Defendants ABM INDUSTRY GROUPS, LLC and
2 FLOWERS BAKING CO. OF MODESTO, LLC (together, "Defendants") (Plaintiff and Defendants
3 collectively referred to as the "Parties"), through their respective attorneys of record, hereby
4 stipulate and agree as follows:

5 WHEREAS, this matter is a putative class, collective, and Private Attorneys General Act
6 ("PAGA") action based primarily upon Plaintiff's allegations that Defendants fail to pay overtime
7 wages at the regular rate of pay.

8 WHEREAS, on January 23, 2024, the Court entered an Order granting the Parties' stipulation
9 to adjust the Class Action Scheduling Order to require Plaintiff's Motion for Class Certification to
10 be filed by December 16, 2024, for Defendants' Opposition to Plaintiff's Motion for Class
11 Certification to be filed by January 30, 2025, for Plaintiff's Reply Brief to be filed by March 17,
12 2025, and for the hearing on Plaintiff's Motion for Class Certification to be heard on April 17, 2025
13 (ECF 36).

14 WHEREAS, Plaintiff filed the Motion for Class Certification on December 16, 2024 (ECF
15 44);

16 WHEREAS, counsel, staff, and others working for Defendants in preparing the Opposition to
17 Class Certification have been significantly impacted and/or displaced by the fires affecting large
18 swaths of Southern California, including the Palisades Fire and the Eaton Fire;

19 WHEREAS counsel for Defendants have requested, and counsel for Plaintiff has agreed, to
20 adjust the date for Defendants' Opposition to Class Certification and all other related deadlines by
21 two weeks;

22 WHEREAS, pursuant to the Parties' agreement and this stipulation, the Parties ask the Court
23 to adjust the Scheduling Order as follows:

- 24 1. That Defendants' Opposition to Plaintiff's Motion for Class Certification be
25 continued from January 30, 2025 to February 13, 2025;
- 26 2. That the deadline to file Plaintiff's Reply Brief be continued from March 17, 2025
27 to March 31, 2025; and
- 28 3. That the hearing on Plaintiff's Motion for Class Certification be continued from
April 17, 2025 to May 1, 2025 or a date thereafter that is convenient for the Court.

IT IS SO STIPULATED.

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2 DATED: January 16, 2025

By: /S/ Daniel Keller [auth. 1-16-25]

3 Stan Mallison

4 Hector Martinez

5 Daniel Keller

6 Caroline L. Hill

7 Attorneys for Plaintiff

8

DATED: January 16, 2025

9 By: /S/ Paul M. Smith

10 Alexander Chemers

11 Paul M. Smith

12 Attorneys for Defendants

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ORDER

1 The Court, having reviewed the foregoing stipulation, and good cause appearing, hereby
2 **ORDERS** as follows:

3 The Court's Class Action Scheduling Order issued on January 23, 2024 (ECF No. 36) is
4 hereby adjusted as follows:

5 1. Defendants' Opposition to Plaintiff's Motion for Class Certification (ECF No. 44) is
6 due by February 13, 2025 (previously January 30, 2025);
7 2. Plaintiff's Reply is due by March 31, 2025 (previously March 17, 2025); and
8 3. The hearing for Class Certification is scheduled for May 1, 2025 at 2:00 p.m.
9 (previously April 17, 2025 at 10:00 a.m.).

10 **IT IS SO ORDERED.**

11 Dated: January 16, 2025



12 Troy L. Nunley
13 Chief United States District Judge